

# Exhibit 23

**BEFORE THE  
ARMED SERVICES BOARD OF CONTRACT APPEALS**

Petition of ACI-SCC JV, for the benefit of its subcontractor, Arwand Road and Construction Company	) ) ) ) ) ) )	ASBCA Docket Number
Under Contract No. W5J9JE-10-D-0017 task order 0013	)	

**PETITION PURSUANT TO RULE 1 (a) (5) TO DIRECT THE  
CONTRACTING OFFICER TO ISSUE A DECISION**

ACI-SCC JV, for the benefit of its subcontractor, Arwand Road and Construction Company,  
hereby states:

1. The contract number related to this petition is W5J9JE-10-D-0017 task order 0013.
2. The department involved in the dispute is U.S. Army Corps of Engineers, Afghanistan District South.
3. The U.S. Army Corps of Engineers, Afghanistan District South issued W5J9JE-10-D-0017 task order 0013 to ACI-SCC JV for construction services.
4. The “JV” in the name of ACI-SCC JV indicates that the prime contractor was a joint venture.
5. Federal Acquisition Regulation (“FAR”) 4.102 provides “(d) Joint venturers. A contract with joint venturers may involve any combination of individuals, partnerships, or corporations. The contract shall be signed by each participant in the joint venture in the manner prescribed in paragraphs (a) through (c) of this section for each type of participant. When a corporation is participating, the contracting officer shall verify that the corporation is authorized to participate in the joint venture.”
6. FAR 9.603 provides “The Government will recognize the integrity and validity of contractor team arrangements; provided, the arrangements are identified and company relationships are fully

disclosed in an offer or, for arrangements entered into after submission of an offer, before the arrangement becomes effective.”

7. Together FARs 4.102 and 9.603 require that the joint venture identifies each of the component entities or individuals and that the contract is signed by an authorized representative of each entity or individual that comprised the joint venture.

8. The Miller Act requires that a prime contractor, such as ACI-SCC JV, obtain performance and payment bonds to protect the interests of the US Government and subcontractors. An exception to the Miller Act’s protections for subcontractors is when the contract is to be performed outside the United States.

9. Contract W5J9JE-10-D-0017 task order 0013 was for construction services outside the United States, and the US Army Corps of Engineers waived the Miller Act requirements to protect subcontractors, such as Arwand Road and Construction Company (hereafter “Arwand”).

10. On July 26, 2011, ACI-SCC JV entered into its first subcontract with Arwand related to W5J9JE-10-D-0017 task order 0013.

11. During 2011, ACI-SCC JV entered into a total of five subcontracts related to W5J9JE-10-D-0017 task order 0013 with Arwand.

12. Arwand, performed as required under the subcontract and issued invoices to ACI-SCC JV.

13. ACI-SCC JV billed and was paid by the US Army Corps of Engineers for the work performed by Arwand.

14. The US Army Corps of Engineers was aware that ACI-SCC JV had not paid its subcontractors, including Arwand.

15. After months of performing services without payment, several subcontractors warned ACI-SCC JV and the Army Corps of Engineers that if a payment was not received on the subcontractors’ invoices related to contract W5J9JE-10-D-0017 task order 0013, that the

construction work would be stopped.

16. Arwand was informed and believed that the US Army Corps of Engineers withheld payments to ACI-SCC JV as a result of these warnings. Arwand was told that the US Army Corps of Engineers demanded that ACI-SCC JV pay its subcontractors before any additional payments would be made on contract W5J9JE-10-D-0017 task order 0013.

17. The US Army Corps of Engineers terminated the contract for default because subcontractors stopped work as a result of non-payments.

18. ACI-SCC JV listed its business address as 3422 Old Capitol Trail, Suite 556, Wilmington, DE 19808. Two other companies, ACI-SCC JV LLC and Advanced Constructors International LLC, also listed 3422 Old Capitol Trail, Suite 556, Wilmington, DE 19808 as their business address.

19. ACI-SCC JV LLC is a Delaware Limited Liability Company and Arwand alleges that it is one of the venture partners of ACI-SCC JV.

20. On May 7, 2015 the Delaware Secretary of State cancelled the authority of ACI-SCC JV LLC and stated that ACI-SCC JV LLC "is no longer in existence and good standing under the laws of the State of Delaware having become forfeited the seventh day of May, A.D. 2015 for failure to obtain and designate a registered agent." (Exhibit 1)

21. Advanced Constructors International LLC ("ACI") is a Delaware Limited Liability Company and Arwand alleges that ACI is one of the venture partners of ACI-SCC JV.

22. On September 23, 2015 the Delaware Secretary of State cancelled the authority of ACI and stated that ACI "is no longer in existence and good standing under the laws of the State of Delaware having become forfeited the twenty-third day of September, A.D. 2015 for failure to obtain and designate a registered agent." (Exhibit 2)

23. Even though ACI-SCC JV, ACI-SCC JV LLC, and ACI had no corporate authority to act under the laws of the State of Delaware during part of 2015 and all of 2016, those entities maintained administrative actions before the Armed Services Board of Contract Appeals.

24. ACI-SCC JV maintained and settled appeal numbers 58222, 58282, 58283 58367, 58370 and 58581 in 2015 and 2016 related to contract W5J9JE-10-D-0017, even though its legal authority to operate had been canceled by the State of Delaware (Exhibit 3).

25. ACI maintained and settled appeal numbers 58604, 58739, 58740 and 5874 in 2015 after its legal authority to operate had been canceled by the State of Delaware (Exhibit 4).

26. Arwand sued ACI-SCC JV, ACI-SCC JV LLC and ACI in the US District Court for the District of Delaware, case number 1-16-cv-00317-SLR. On November 9, 2016, that Court entered judgment in favor of Arwand against ACI-SCC JV, ACI-SCC JV LLC, and ACI, jointly and severally in the amount of \$2,288,262.11 (Exhibit 5).

27. Since there was no defendant that was authorized to assist Arwand with its prosecution of its flow-through claim against the US Government, the US District Court Judge awarded to Arwand "all [ACI-SCC JV's, ACI-SCC JV LLC's and ACI's] rights related to contract W5J9JE-10-D-0017 with the United States Government are hereby assigned and transferred to [Arwand], including [ACI-SCC JV's, ACI-SCC JV LLC's and ACI's] rights to recover [ACI-SCC JV's, ACI-SCC JV LLC's and ACI's] amounts due, challenge any termination for default, file a Certification of Claim for the benefit of [ACI-SCC JV's, ACI-SCC JV LLC's and ACI's] or [Arwand], the right to assert subcontractor claims for the benefit of [Arwand] as a subcontractor, all 'flow-through' rights, the right to file a Claim arising from the contract in the name of [ACI-SCC JV, ACI-SCC JV LLC and ACI] or [Arwand], the right to appeal any award or denial of the claim and any ancillary or necessary rights to enforce the assigned rights are hereby transferred from Defendants, ACI-SCC JV, ACI-SCC JV LLC and Advanced Constructors." (Exhibit 5).

28. On November 10, 2016, ACI-SCC JV mailed its Certification of Claim for the benefit of its subcontractor, Arwand to Secretary of Defense Ashton Carter. (Exhibit 6).

29. More than 60 days have passed and there is no Contracting Officer's Final Decision.

30. More than 60 days have passed and the Contracting Officer has not requested additional

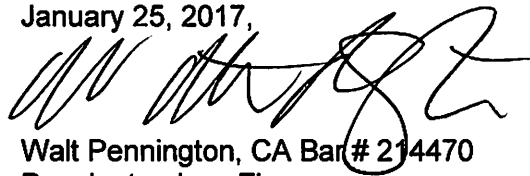
time.

31. There has been no agreement from the US Government to pay ACI-SCC JV for the flow - through claim of its subcontractor.

32. Petitioner, ACI-SCC JV for the benefit of its subcontractor, Arwand, is entitled to have its claim adjudicated. Petitioner is entitled to legal or equitable relief and an unjust result will occur if the US Government is relieved of its contractual duty to pay.

Wherefore, ACI-SCC JV for the benefit of its subcontractor, Arwand Road and Construction Company, petitions this Board to order the contracting officer to provide a decision related to the Petitioner's claim.

January 25, 2017,



Walt Pennington, CA Bar # 214470  
Pennington Law Firm  
3302 30th Street  
San Diego, CA 92104-4535  
+1 619 940 6157  
wpennington@pennfirm.com

Attorney for ACI-SCC JV, for the benefit of its  
subcontractor, Arwand Road and Construction  
Company

## Certificate of Service

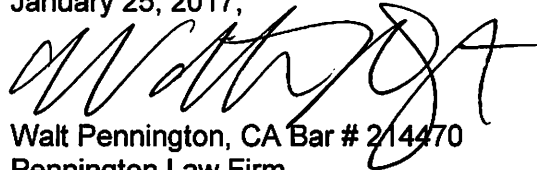
I hereby certify that the foregoing

1. PETITION PURSUANT TO RULE 1 (a) (5) TO DIRECT THE CONTRACTING OFFICER  
TO ISSUE A DECISION

was sent on January 25, 2017, by mail to:

Honorable James Mattis  
Secretary of Defense  
1000 Defense Pentagon  
Washington, DC 20301-1000

January 25, 2017,



Walt Pennington, CA Bar # 214470  
Pennington Law Firm  
3302 30th Street  
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Attorney for ACI-SCC JV, for the benefit of its  
subcontractor, Arwand Road and Construction  
Company

## BEFORE THE ARMED SERVICES BOARD OF CONTRACT APPEALS

Petition of Arwand Road and Construction Company	)	ASBCA Docket Number
	)	
	)	
Under Contract No. W5KA4N-11-P-0390	)	
	)	
	)	

### Exhibit List

- Exhibit 1 - State of DE LLC information on ACI-SCC JV LLC
- Exhibit 2 - State of DE LLC information on Advanced Constructors International LLC
- Exhibit 3 - ASBCA Case with ACI-SCC JV concerning Contract W5J9JE-10-D-0017
- Exhibit 4 - ASBCA Case with ACI concerning contract W5J9LE-11-C-0020
- Exhibit 5 - Judgment against ACI-SCC JV for \$2,288,262.11 and flow-through to Arwand
- Exhibit 6 - Certification of Claim - Contract W5J9JE-10-D-0017

#### CERTIFICATION OF CLAIM EXHIBITS

- Exhibit 1 - State of DE LLC information on Advanced Constructors International LLC
- Exhibit 2 - State of DE LLC information on ACI-SCC JV LLC
- Exhibit 3 - DUNS Number of Advanced Constructors International LLC as shown at FPDS.gov
  - DUNS Number of Advanced Constructors International LLC as shown at FAPIIS.gov
  - DUNS Number of Advanced Constructors International LLC as shown at D&B
- Exhibit 4 - DUNS Number of ACI-SCC JV as shown at FAPIIS.gov
- Exhibit 5 - Contract W5J9JE-10-D-0017 Award Information from FPDS.gov
- Exhibit 6 - ASBCA Case with ACI-SCC JV concerning Contract W5J9JE-10-D-0017
- Exhibit 7 - Letter from Arwand's Counsel to ACI-SCC JV & ACI-SCC JV LLC's counsel to inform client of the suit
- Exhibit 8 - Letter from ACI-SCC JV counsel on ASBCA claims
- Exhibit 9 - ASBCA Case with ACI
- Exhibit 10 - Letter from Arwand's Counsel to ACI's counsel to inform client of the suit
- Exhibit 11 - Letter from ACI's Counsel that it represented ACI before ASBCA
- Exhibit 12 - Court's Order in 1:16-cv-00317-SLR





**State Of Delaware**

## Entity Details

6/23/2016 1:20:22AM

File Number: 4828801

Incorporation Date / Formation Date: 5/26/2010

Entity Name: ACI-SCC JV LLC

Entity Kind: Limited Liability Company

Entity Type: General

Residency: Domestic

State: DELAWARE

Status: Cancelled, Failure to appoint a R/A

Status Date: 5/7/2015

**Registered Agent Information**

Name: UNASSIGNED AGENT

Address:

City:

Country:

State: NullValue

Postal Code:

Phone:

**Tax Information**

Last AnnualReport Filed: 0

Tax Due: \$ 600

Annual Tax Assessment: \$300

Total Authorized Shares:

**Filing History (Last 5 Filings)**

Seq	Description	No of Pages	Filing Date mm/dd/yyyy	Filing Time	Effective Date mm/dd/yyyy
1	Agent Resignation w/o Apt 9030670	2	4/7/2015	2:00 PM	4/7/2015
2	Amendment ACI-SCC (JV) LLC	1	12/20/2011	3:51 PM	12/20/2011
3	Amendment ACI-SCC LLC	1	12/15/2011	3:58 PM	12/15/2011
4	LLC	1	5/26/2010	10:18 AM	5/26/2010

# **Delaware**

**The First State**

Page 1


**I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE CERTIFICATE OF FORMATION OF "ACI-SCC LLC", WAS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-SIXTH DAY OF MAY, A.D. 2010.**

**AND I DO HEREBY FURTHER CERTIFY THE SAID "ACI-SCC LLC" FILED A CERTIFICATE OF AMENDMENT, CHANGING ITS NAME TO "ACI-SCC (JV) LLC", ON THE FIFTEENTH DAY OF DECEMBER, A.D. 2011, AT 3:58 O`CLOCK P.M.**

**AND I DO HEREBY FURTHER CERTIFY THE SAID "ACI-SCC (JV) LLC" FILED A CERTIFICATE OF AMENDMENT, CHANGING ITS NAME TO "ACI-SCC JV LLC", ON THE TWENTIETH DAY OF DECEMBER, A.D. 2011, AT 3:51 O`CLOCK P.M.**

**AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID LIMITED LIABILITY COMPANY IS NO LONGER IN EXISTENCE AND GOOD STANDING UNDER THE LAWS OF THE STATE OF DELAWARE HAVING BECOME FORFEITED THE SEVENTH DAY OF MAY, A.D. 2015, FOR FAILURE TO OBTAIN AND DESIGNATE A REGISTERED AGENT.**



  
Jeffrey W. Bullock, Secretary of State

4828801 8425  
SR# 20164696699

Authentication: 202705418  
Date: 07-22-16

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

**State Of Delaware**

## Entity Details

6/23/2016 1:23:54AM

File Number: 4656295

Incorporation Date / Formation Date: 2/17/2009

Entity Name: ADVANCED CONSTRUCTORS INTERNATIONAL LLC

Entity Kind: Limited Liability Company

Entity Type: General

Residency: Domestic

State: DELAWARE

Status: Cancelled, Failure to appoint a R/A

Status Date: 9/23/2015

**Registered Agent Information**

Name: UNASSIGNED AGENT

Address:

City:

Country:

State: NullValue

Postal Code:

Phone:

**Tax Information**

Last AnnualReport Filed: 0

Tax Due: \$ 300

Annual Tax Assessment: \$300

Total Authorized Shares:

**Filing History (Last 5 Filings)**

Seq	Description	No of Pages	Filing Date mm/dd/yyyy	Filing Time	Effective Date mm/dd/yyyy
1	Agent Resignation w/o Apt 9073477	1	8/24/2015	12:48 PM	8/24/2015
2	Amendment	1	3/8/2013	10:06 AM	3/8/2013
3	Amendment SSG, LLC	1	7/15/2009	12:13 PM	7/15/2009
4	LLC	1	2/17/2009	3:25 PM	2/17/2009

# Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE CERTIFICATE OF FORMATION OF "SSG, LLC", WAS RECEIVED AND FILED IN THIS OFFICE THE SEVENTEENTH DAY OF FEBRUARY, A.D. 2009.

AND I DO HEREBY FURTHER CERTIFY THE SAID "SSG, LLC" FILED A CERTIFICATE OF AMENDMENT, CHANGING ITS NAME TO "ADVANCED CONSTRUCTORS INTERNATIONAL LLC", ON THE FIFTEENTH DAY OF JULY, A.D. 2009, AT 12:13 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID LIMITED LIABILITY COMPANY IS NO LONGER IN EXISTENCE AND GOOD STANDING UNDER THE LAWS OF THE STATE OF DELAWARE HAVING BECOME FORFEITED THE TWENTY-THIRD DAY OF SEPTEMBER, A.D. 2015, FOR FAILURE TO OBTAIN AND DESIGNATE A REGISTERED AGENT.



  
Jeffrey W. Bullock, Secretary of State

4656295 8425  
SR# 20164696698

Authentication: 202705499  
Date: 07-22-16

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeals of -- )  
)  
ACI-SCC JV ) ASBCA Nos. 58222, 58282, 58283  
) 58367, 58370, 58581  
Under Contract Nos. W5J9JE-10-D-0017 )  
W5J9LE-11-C-0001 )

APPEARANCES FOR THE APPELLANT:

Dirk Haire, Esq.  
Jessica Haire, Esq.  
Sean Milani, Esq.  
Fox Rothschild LLP  
Washington, DC

APPEARANCES FOR THE GOVERNMENT:

Thomas H. Gourlay, Jr., Esq.  
Engineer Chief Trial Attorney  
James D. Stephens, Esq.  
Engineer Trial Attorney  
U.S. Army Engineer District, Middle East  
Winchester, VA

ORDER OF DISMISSAL

The appeals have been settled. Accordingly, they are dismissed from the Board's docket with prejudice.

Dated: 19 April 2016



TERRENCE S. HARTMAN

Administrative Judge  
Armed Services Board  
of Contract Appeals

I certify that the foregoing is a true copy of the Order of Dismissal of the Armed Services Board of Contract Appeals in ASBCA Nos. 58222, 58282, 58283, 58367, 58370, 58581, Appeals of ACI-SCC JV, rendered in conformance with the Board's Charter.

Dated:

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JEFFREY D. GARDIN  
Recorder, Armed Services  
Board of Contract Appeals



ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeals of -- )  
 )  
Advanced Constructors International, LLC ) ASBCA Nos. 58604, 58739, 58740, 58741  
 )  
Under Contract No. W5J9LE-11-C-0020 )

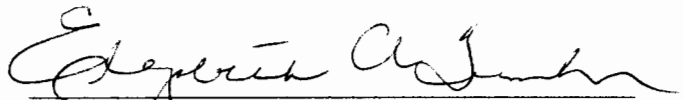
APPEARANCES FOR THE APPELLANT: Richard L. Moorhouse, Esq.  
John D. Altenburg, Esq.  
Ryan C. Bradel, Esq.  
Greenberg Traurig, LLP  
McLean, VA

APPEARANCES FOR THE GOVERNMENT: Thomas H. Gourlay, Jr., Esq.  
Engineer Chief Trial Attorney  
James D. Stephens, Esq.  
Tania Wang, Esq.  
Engineer Trial Attorneys  
U.S. Army Engineer District, Middle East  
Winchester, VA

ORDER OF DISMISSAL

The dispute has been settled. The appeals are dismissed with prejudice.

Dated: 8 October 2015

  
ELIZABETH A. TUNKS  
Administrative Judge  
Armed Services Board  
of Contract Appeals

I certify that the foregoing is a true copy of the Order of Dismissal of the Armed Services Board of Contract Appeals in ASBCA Nos. 58604, 58739, 58740, 58741, Appeals of Advanced Constructors International, LLC, rendered in conformance with the Board's Charter.

Dated:

\_\_\_\_\_  
JEFFREY D. GARDIN  
Recorder, Armed Services  
Board of Contract Appeals





**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ARWAND ROAD AND CONSTRUCTION	)	
COMPANY	)	
Plaintiff,	)	
	)	
vs.	)	Civil 1:16-cv-00317-SLR
	)	
ACI-SCC JV, et. al.	)	
Defendants.	)	
	)	

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**ORDER OF JUDGMENT PURSUANT TO RULE 55**

The defendants, ACI-SCC JV, ACI-SCC JV LLC and Advanced Constructors International LLC, failed to plead or otherwise defend in this action, and on August 2, 2016, default was entered against Defendants.

On November 9, 2016 a hearing was held on the Plaintiff's Motion for Entry of Judgement, and the court reviewed the complaint, service on defendants and Plaintiff's affidavit in support of judgment.

IT IS HEREBY,

FOUND, that the net amount due to the Plaintiff for work invoiced, but not paid is **\$772,158.10** (\$994,761.10 - \$222,603.00).

FOUND, that Arwand completed an additional 15.55% of other work under its contracts with Defendants, that was not invoiced, because the Defendants were not responding to any communication. That work had an agreed contractual value of **\$328,231.48 USD**.

FOUND, that Arwand purchased materials and for the project and provided labor and incurred overhead costs in pursuit of work that was underway, but was not part of the invoiced or approved work previously listed above. Arwand supplied materials including rebar and concrete, incurred rental costs for heavy machinery equipment, incurred demobilization costs and transportation costs for its

laborers. Arwand incurred labor costs on the project and administrative costs related to its claim in a total amount of **\$240,850.00 USD**. Under the terms of the parties contract and the Federal Acquisition Regulations, Arwand is entitled to a reasonable profit on the terminated part of its work. Arwand seeks a reasonable profit at 20%, which equals **\$48,170.00 USD**, of the amounts related to materials and labor for work that was not approved or invoiced.

FOUND, that the claim of the Plaintiff, Arwand Road and Construction Company against the Defendants ACI-SCC JV, ACI-SCC JV LLC and Advanced Constructors International LLC is for the principal sum of **\$1,389,409.58 USD (\$772,158.10 + \$328,231.48 + \$240,850.00 + \$48,170.00)**.

FOUND, that Plaintiff is entitled to pre-judgment interest on the amounts due from October 7, 2012 at the rate of 5.75% (5 percent over the current federal discount rate as of October 2012), calculated as:

\$319,564.20  $[(1,389,409.58 * 5.75\% * 4 \text{ years (Oct 7, 2012 to October 6, 2016)})]$

\$ 7,223.03  $[1,389,409.58 * 5.75\% * 33 \text{ days} / 365 \text{ days (Oct 7 to Nov 9, 2016)}]$ .

**\$326,787.23** Total Pre-Judgment Interest

FOUND, that paragraph 22 of the Parties contract of July 26, 2011, provides for attorney's fees and that attorney's fees in the amount of 33.333% are added as costs to the judgment in the amount of **\$572,065.60**  $[(\$1,389,409.58 + \$326,787.23) * 33.333\%]$ .

IT IS HEREBY ORDERED,

That JUDGMENT be entered in favor of the Plaintiff, Arwand Road and Construction Company, against Defendants, ACI-SCC JV, ACI-SCC JV LLC and Advanced Constructors International LLC in the following amounts:


**\$2,288,262.11**  $(\$1,389,409.58 \text{ USD} + \$326,787.23 + \$572,065.60)$

**\$700.00** in costs that includes the court filing fee of \$400.00 plus \$50 for service fee demanded by the Delaware Secretary of State for each of the six documents (summons and complaint and supplemental service), for a total of \$300.00.

Post-judgment interest at the legal rate of 5.62%

IT IS FURTHER ORDERED, that all Defendants' rights related to contract W5J9JE-10-D-0017 with the United States Government are hereby assigned and transferred to Plaintiff, including Defendants' rights to recover Defendant's amounts due, challenge any termination for default, file a Certification of Claim for the benefit of Defendants or Plaintiff, the right to assert subcontractor claims for the benefit of Plaintiff as a subcontractor, all "flow-through" rights, the right to file a Claim arising from the contract in the name of Defendants or Plaintiff, the right to appeal any award or denial of the claim and any ancillary or necessary rights to enforce the assigned rights are hereby transferred from Defendants, ACI-SCC JV, ACI-SCC JV LLC and Advanced Constructors

Date November 9, 2016

  
\_\_\_\_\_  
Honorable Sue L. Robinson  
Judge  
United States District Court for the District of Delaware



ARWAND ROAD AND CONSTRUCTION COMPANY  
HERAT, AFGHANISTAN

**CERTIFICATION AND AFFIDAVIT OF  
ARWAND ROAD AND CONSTRUCTION COMPANY**

*Arwand Road and Construction Company, through the appointment by the US District Court for the District of Delaware to act on behalf of ACI-SCC JV here by asserts its claim for **\$2,288,962.11 USD plus interest at 5.62% per annum after November 9, 2016** for non-payment for services completed for ACI-SCC JV on Contract Number W5J9JE-10-D-0017.*

**SUMMARY**

- 1 The US Army Corps of Engineers hired ACI-SCC JV to perform work on contract W5J9JE-10-D-0017. ACI-SCC JV hired Arwand Road and Construction Company (hereafter "Arwand") to perform services. Arwand performed work and submitted its invoices to ACI-SCC JV. ACI-SCC JV failed to pay Arwand and other subcontractors, and work stopped. The US Army Corps of Engineers terminated ACI-SCC JV's contract. Arwand sued ACI-SCC JV and obtained:
  - 1.1 Judgment was entered in favor of Arwand against ACI-SCC JV in the amount of \$2,288,962.11, plus interest; and
  - 1.2 The Court ordered that Arwand is the representative to act on the contract W5J9JE-10-D-0017, since ACI-SCC JV has no legal entity to represent its interest.

**BACKGROUND**

- 2 I am Wahid Ahmadi, the business operations manager at Arwand Road and Construction Company. I live in San Diego, California and am authorized by the laws of the United States and Afghanistan to represent the interests of the Arwand, and to act on its behalf concerning outstanding debts and the resolution of claims.
- 3 I provide the following certification and exhibits in support of the claims of my company. Arwand's attorney is Walt Pennington, California Bar Number 214470, 3302 30th Street, San Diego, California, 92104, +1 (619) 940-6157. I prepared and compiled the exhibits for this Certification and Affidavit, and the information related to this claim.
- 4 I authorize the contracting officer or contracting officer representative and any person assigned to dispute resolution for this claim to discuss Arwand's claim with Arwand's attorney, Walt Pennington.
- 5 The Miller Act requires that all US Government contracts have payment protections for subcontractors such as a payment bond for the amount of the subcontractor's contract value. The Miller Act provides protections to subcontractors, such as Arwand, to ensure that subcontractors and material suppliers are paid. For contracts performed outside the United States, the US Army Corps of Engineers is allowed to waive the protections of the Miller Act, and it waived the Miller Act for contract W5J9JE-10-D-0017.
- 6 After awarding contract W5J9JE-10-D-0017 to ACI-SCC JV, the US Army Corps of Engineers knew that ACI-SCC JV was not paying its subcontractors, including Arwand, and withheld payment and demanded that ACI-SCC JV pay its subcontractors or risk termination for default.
- 7 Arwand and other subcontractors were promised payments, that were never received, and when it became clear that they would never be paid, Arwand stopped work.
- 8 ACI-SCC JV persisted in its failure to pay its subcontractors, and the US Army Corps of Engineers terminated ACI-SCC JV's contract for default.
- 9 ACI-SCC JV is a joint venture owned by ACI-SCC JV LLC and Advanced Constructors International LLC (hereafter "ACI").

- 10 Advanced Constructors International LLC ("ACI") is a Delaware Limited Liability Company ("LLC") that was organized on February 17, 2009, and its LLC status was canceled on September 23, 2015 (Exhibit 1, pp. 001-2).
- 11 ACI-SCC JV LLC is a Delaware LLC formed on May 26, 2010, and its LLC status was canceled on May 7, 2015 (Exhibit 2, p. 003-4).
- 12 ACI-SCC JV is a joint venture formed by ACI and ACI-SCC JV LLC. ACI-SCC JV LLC and ACI-SCC JV was formed for the purpose of bidding on contracts in Afghanistan.
- 13 The US Army Corps of Engineers requires that bidders and contractors have a Dun and Bradstreet number, also known as a DUNS number.
- 14 The DUNS Number for Advanced Constructors International LLC was 829701627 (Exhibit 3, p. 005-7).
- 15 The DUNS Number for ACI-SCC JV is 123456787 (Exhibit 4, p. 008).
- 16 Between June 25, 2010, and July 1, 2011, the US Government awarded multiple task orders to ACI-SCC JV under contract W5J9JE-10-D-0017 (Exhibit 5, pp. 009-10), including task order 0013.
- 17 Even though ACI-SCC JV's legal authority to bring or maintain a legal action expired on September 23, 2015, it maintained its participation in an administrative case before the Armed Services Board of Contract Appeals, Docket numbers 58222, 58282, 58283 58367, 58370 and 58581 that involved contract W5J9JE-10-D-0017 (Exhibit 6, pp. 011).
- 18 ACI-SCC JV, and its venture partners ACI-SCC JV LLC and ACI, were all entities located in the State of Delaware and used the business address of 3422 Old Capitol Trail, Suite 556, Wilmington, DE 19808.
- 19 Arwand sued ACI-SCC JV, ACI-SCC JV LLC and ACI in the US District Court for the District of Delaware, civil 1:16-cv-00317-SLR.
- 20 To ensure that actual notice was given to ACI-SCC JV, ACI-SCC JV LLC and ACI, the Counsel for the Arwand on June 23, 2016 mailed copies of the Summons and Complaint for ACI-SCC JV and ACI-SCC JV LLC to Dirk Haire, Esquire, ACI-SCC JV's counsel of record in the ASBCA Docket numbers referenced in Exhibit 11 (Exhibit 7, p. 012). Plaintiff's attorney requested that Mr. Haire inform his clients, ACI-SCC JV and ACI-SCC JV LLC that it had been sued.
- 21 On July 21, 2016, Mr. Haire acknowledged that he received the Plaintiff's documents and returned the documents to counsel for the Plaintiff and stated that he did not represent the Defendants ACI-SCC JV and ACI-SCC JV LLC on the claims in this lawsuit (Exhibit 8, p. 013).
- 22 ACI-SCC JV venture partner ACI was a party in an administrative case before the Armed Services Board of Contract Appeals, Docket numbers 58604, 58739, 58740, 58741 (Exhibit 9, p. 014). ACI's lead counsel of record was Mr. Richard L. Moorhouse of Greenberg Traurig, McLean, Virginia (Exhibit 14).
- 23 To ensure notice was given to the Defendants, ACI, ACI-SCC JV LLC and ACI-SCC JV, on June 20, 2016, Plaintiff's counsel mailed a letter and copies of the Summons and Complaint for the three defendants and asked ACI's counsel, Mr. Moorhouse, to notify its client of the suit (Exhibit 10, p.015).
- 24 Mr. Moorhouse acknowledged that he received the Plaintiff's documents and stated that he did not represent the Defendants ACI, ACI-SCC JV and ACI-SCC JV LLC on the claims in this lawsuit, only on the ASBCA claims (Exhibit 11, p. 016).
- 25 The US District Court found that ACI-SCC JV had no legal entity through which to operate. The US District Court also found that proper notice had been given to ACI-SCC JV, ACI-SCC JV LLC and ACI (Exhibit 12, p. 017-9).
- 26 The US District Court found that the damages claimed by Arwand were reasonable, and awarded Arwand \$2,288,962.11 USD plus interest at 5.62% per annum after November 9, 2016 against ACI-SCC JV, ACI-SCC JV LLC and ACI for Arwand's work on contract W5J9JE-10-D-0017.

- 27 The prime contractor, ACI-SCC JV, and its venture partners were given the opportunity to challenge Arwand's claims for damages in the US District Court for the District of Delaware. The Court having heard the testimony and view the exhibits found the damages claimed by Arwand to be reasonable.
- 28 Having had an independent review by the US District Court, the Contracting Officer should award that amount to Arwand, as reviewed by the US District Court.
- 29 The US District Court further ordered that all rights of ACI-SCC JV, ACI-SCC JV LLC and ACI "related to contract W5J9JE-10-D-0017 with the United States Government are hereby assigned and transferred to Plaintiff [Arwand], including Defendants' rights to recover Defendant's amounts due, challenge any termination for default, file a Certification of Claim for the benefit of Defendants or Plaintiff, the right to assert subcontractor claims for the benefit of Plaintiff as a subcontractor, all "flow-through" rights, the right to file a Claim arising from the contract in the name of Defendants or Plaintiff, the right to appeal any award or denial of the claim and any ancillary or necessary rights to enforce the assigned rights are hereby transferred from Defendants, ACI-SCC JV, ACI-SCC JV LLC and Advanced Constructors."
- 30 Arwand asserts both its "flow-through" claim that it asserts by the Court's authority in the name of ACI-SCC JV, and it further directs the Contracting Officer to pay all funds agreed after September 23, 2015 between the US Government, ACI-SCC JV, ACI-SCC JV LLC and ACI to Arwand, as the legal representative of ACI-SCC JV.
- 31 Arwand is owed \$2,288,962.11 USD plus interest at 5.62% per annum after November 9, 2016 for the work that it completed under the contract.

I hereby certify under the penalties of perjury that the foregoing statements are true and correct to the best of my knowledge.

On \_\_\_\_\_ I certify that the claim is made in good faith; that the supporting data are accurate and complete to the best of my knowledge and belief; that the amount requested accurately reflects the contract adjustment for which the Contractor believes the Government is liable; and that I am duly authorized to certify the claim on behalf of the Contractor.

Signature \_\_\_\_\_

Printed Name: \_\_\_\_\_ Wahid Ahmadi

Title: \_\_\_\_\_ Business Operations Manager of Arwand Road and Construction Company





**State Of Delaware**

## Entity Details

6/23/2016 1:23:54AM

File Number: 4656295

Incorporation Date / Formation Date: 2/17/2009

Entity Name: ADVANCED CONSTRUCTORS INTERNATIONAL LLC

Entity Kind: Limited Liability Company

Entity Type: General

Residency: Domestic

State: DELAWARE

Status: Cancelled, Failure to appoint a R/A

Status Date: 9/23/2015

**Registered Agent Information**

Name: UNASSIGNED AGENT

Address:

City:

Country:

State: NullValue

Postal Code:

Phone:

**Tax Information**

Last AnnualReport Filed: 0

Tax Due: \$ 300

Annual Tax Assessment: \$300

Total Authorized Shares:

**Filing History (Last 5 Filings)**

Seq	Description	No of Pages	Filing Date mm/dd/yyyy	Filing Time	Effective Date mm/dd/yyyy
1	Agent Resignation w/o Apt 9073477	1	8/24/2015	12:48 PM	8/24/2015
2	Amendment	1	3/8/2013	10:06 AM	3/8/2013
3	Amendment SSG, LLC	1	7/15/2009	12:13 PM	7/15/2009
4	LLC	1	2/17/2009	3:25 PM	2/17/2009

# **Delaware**

**The First State**

Page 1

**I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE CERTIFICATE OF FORMATION OF "SSG, LLC", WAS RECEIVED AND FILED IN THIS OFFICE THE SEVENTEENTH DAY OF FEBRUARY, A.D. 2009.**

**AND I DO HEREBY FURTHER CERTIFY THE SAID "SSG, LLC" FILED A CERTIFICATE OF AMENDMENT, CHANGING ITS NAME TO "ADVANCED CONSTRUCTORS INTERNATIONAL LLC", ON THE FIFTEENTH DAY OF JULY, A.D. 2009, AT 12:13 O'CLOCK P.M.**

**AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID LIMITED LIABILITY COMPANY IS NO LONGER IN EXISTENCE AND GOOD STANDING UNDER THE LAWS OF THE STATE OF DELAWARE HAVING BECOME FORFEITED THE TWENTY-THIRD DAY OF SEPTEMBER, A.D. 2015, FOR FAILURE TO OBTAIN AND DESIGNATE A REGISTERED AGENT.**



4656295 8425  
SR# 20164696698

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

A handwritten signature in black ink, appearing to read "JBullock", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Jeffrey W. Bullock, Secretary of State

Authentication: 202705499  
Date: 07-22-16

**State Of Delaware**

## Entity Details

6/23/2016 1:20:22AM

File Number: 4828801

Incorporation Date / Formation Date: 5/26/2010

Entity Name: ACI-SCC JV LLC

Entity Kind: Limited Liability Company

Entity Type: General

Residency: Domestic

State: DELAWARE

Status: Cancelled, Failure to appoint a R/A

Status Date: 5/7/2015

**Registered Agent Information**

Name: UNASSIGNED AGENT

Address:

City:

Country:

State: NullValue

Postal Code:

Phone:

**Tax Information**

Last AnnualReport Filed: 0

Tax Due: \$ 600

Annual Tax Assessment: \$300

Total Authorized Shares:

**Filing History (Last 5 Filings)**

Seq	Description	No of Pages	Filing Date mm/dd/yyyy	Filing Time	Effective Date mm/dd/yyyy
1	Agent Resignation w/o Apt 9030670	2	4/7/2015	2:00 PM	4/7/2015
2	Amendment ACI-SCC (JV) LLC	1	12/20/2011	3:51 PM	12/20/2011
3	Amendment ACI-SCC LLC	1	12/15/2011	3:58 PM	12/15/2011
4	LLC	1	5/26/2010	10:18 AM	5/26/2010

# **Delaware**

**The First State**

Page 1

**I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE CERTIFICATE OF FORMATION OF "ACI-SCC LLC", WAS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-SIXTH DAY OF MAY, A.D. 2010.**

**AND I DO HEREBY FURTHER CERTIFY THE SAID "ACI-SCC LLC" FILED A CERTIFICATE OF AMENDMENT, CHANGING ITS NAME TO "ACI-SCC (JV) LLC", ON THE FIFTEENTH DAY OF DECEMBER, A.D. 2011, AT 3:58 O`CLOCK P.M.**

**AND I DO HEREBY FURTHER CERTIFY THE SAID "ACI-SCC (JV) LLC" FILED A CERTIFICATE OF AMENDMENT, CHANGING ITS NAME TO "ACI-SCC JV LLC", ON THE TWENTIETH DAY OF DECEMBER, A.D. 2011, AT 3:51 O`CLOCK P.M.**

**AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID LIMITED LIABILITY COMPANY IS NO LONGER IN EXISTENCE AND GOOD STANDING UNDER THE LAWS OF THE STATE OF DELAWARE HAVING BECOME FORFEITED THE SEVENTH DAY OF MAY, A.D. 2015, FOR FAILURE TO OBTAIN AND DESIGNATE A REGISTERED AGENT.**



  
Jeffrey W. Bullock, Secretary of State

4828801 8425  
SR# 20164696699

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Authentication: 202705418  
Date: 07-22-16

Type one or more keywords you would like to search on:

VENDOR\_DUNS\_NUMBER:"829701627"



Advanced Search

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To submit comments, please [click here](#)

Search took 0.024 seconds



PDF



CSV

ATOM 0.3

You must click [here](#) for very important D&B information.Top 10: Department  
Full Name

&gt;DEPT OF DEFENSE (15)

Top 10: Contracting  
Agency Name

&gt;DEPT OF THE ARMY (15)

Top 10: Vendor Full  
Name>SSG, L.L.C. (8)  
>ADVANCED CONSTRUCTORS  
INTERNATIONAL LLC (7)Top 10: Treasury  
Account Symbol>212050 (5)  
>212010 (2)  
>212020000 (1)List Of Contract Actions Matching  
Your CriteriaResults 1 - 15 of 15 as of Apr 14, 2016  
7:04:25 PM

<b>Award ID (Mod#):</b>	<a href="#">W5J9LE11C0020</a> (0) ( <a href="#">View</a> )	<b>Award Type:</b>	DEFINITIVE CONTRACT
<b>Vendor Name:</b>	<a href="#">ADVANCED CONSTRUCTORS INTERNATIONAL LLC</a>	<b>Contracting Agency:</b>	<a href="#">DEPT OF THE ARMY</a>
<b>Date Signed:</b>	March 31, 2011	<b>Action Obligation:</b>	\$56,343,471.56
<b>Referenced IDV:</b>		<b>Contracting Office:</b>	<a href="#">W31R ENDIST AFGHANISTAN SOUTH</a>
<b>NAICS (Code):</b>	COMMERCIAL AND INSTITUTIONAL BUILDING CONSTRUCTION ( <a href="#">236220</a> )	<b>PSC (Code):</b>	CONSTRUCT/MISC BLDGS ( <a href="#">Y199</a> )
<b>Vendor City:</b>	WILMINGTON	<b>Vendor DUNS:</b>	<a href="#">829701627</a>
<b>Vendor State:</b>	DE	<b>Vendor ZIP:</b>	<a href="#">198086124</a>
<b>Global Vendor Name:</b>	<a href="#">ADVANCED CONSTRUCTORS INTERNATIONAL LLC</a>	<b>Global DUNS Number:</b>	<a href="#">829701627</a>

<b>Award ID (Mod#):</b>	<a href="#">W5J9LE11C0020</a> ( A00001 ) ( <a href="#">View</a> )	<b>Award Type:</b>	DEFINITIVE CONTRACT
<b>Vendor Name:</b>	<a href="#">ADVANCED CONSTRUCTORS INTERNATIONAL LLC</a>	<b>Contracting Agency:</b>	<a href="#">DEPT OF THE ARMY</a>
<b>Date Signed:</b>	February 02, 2013	<b>Action Obligation:</b>	\$0
<b>Referenced IDV:</b>		<b>Contracting Office:</b>	<a href="#">W31R ENDIST AFGHANISTAN SOUTH</a>
<b>NAICS (Code):</b>	COMMERCIAL AND INSTITUTIONAL BUILDING CONSTRUCTION ( <a href="#">236220</a> )	<b>PSC (Code):</b>	CONSTRUCT/MISC BLDGS ( <a href="#">Y199</a> )
<b>Vendor City:</b>	WILMINGTON	<b>Vendor DUNS:</b>	<a href="#">829701627</a>
<b>Vendor State:</b>	DE	<b>Vendor ZIP:</b>	<a href="#">198086124</a>
<b>Global Vendor Name:</b>	<a href="#">ADVANCED CONSTRUCTORS INTERNATIONAL LLC</a>	<b>Global DUNS Number:</b>	<a href="#">829701627</a>

<b>Award ID (Mod#):</b>	<a href="#">W5J9LE11C0020</a> ( P00001 ) ( <a href="#">View</a> )	<b>Award Type:</b>	DEFINITIVE CONTRACT
<b>Vendor Name:</b>	<a href="#">ADVANCED CONSTRUCTORS INTERNATIONAL LLC</a>	<b>Contracting Agency:</b>	<a href="#">DEPT OF THE ARMY</a>
<b>Date Signed:</b>	November 08, 2011	<b>Action Obligation:</b>	-\$1,505.01
<b>Referenced IDV:</b>		<b>Contracting Office:</b>	<a href="#">W31R ENDIST AFGHANISTAN SOUTH</a>
<b>NAICS (Code):</b>	COMMERCIAL AND INSTITUTIONAL BUILDING CONSTRUCTION ( <a href="#">236220</a> )	<b>PSC (Code):</b>	CONSTRUCT/MISC BLDGS ( <a href="#">Y199</a> )
<b>Vendor City:</b>	WILMINGTON	<b>Vendor DUNS:</b>	<a href="#">829701627</a>
<b>Vendor State:</b>	DE	<b>Vendor ZIP:</b>	<a href="#">198086124</a>
<b>Global Vendor Name:</b>	<a href="#">ADVANCED CONSTRUCTORS INTERNATIONAL LLC</a>	<b>Global DUNS Number:</b>	<a href="#">829701627</a>

<b>Award ID (Mod#):</b>	<a href="#">W5J9LE11C0020</a> ( P00002 ) ( <a href="#">View</a> )	<b>Award Type:</b>	DEFINITIVE CONTRACT
<b>Vendor Name:</b>	<a href="#">ADVANCED CONSTRUCTORS INTERNATIONAL LLC</a>	<b>Contracting Agency:</b>	<a href="#">DEPT OF THE ARMY</a>
<b>Date Signed:</b>	July 05, 2012	<b>Action Obligation:</b>	\$818,685.09
<b>Referenced IDV:</b>		<b>Contracting Office:</b>	<a href="#">W31R ENDIST AFGHANISTAN SOUTH</a>

Search Criteria

To remove the criteria or a portion of the search criteria click the button next to each search level.

Vendor DUNS: "829701627"

Sort By

This section allows the user to sort the existing list of contracts by various fields within the contract. For example you can sort the existing list of contracts by Date Signed or Contract Type. Click on the appropriate field to Sort By. Only one Sort can be conducted at a time.

Sort Order: 

Relevance

[Contract Type](#)  
[Agency Code](#)  
[Agency Full Name](#)  
[Date Signed](#)  
[Contracting Agency ID](#)  
[Contracting Agency Name](#)  
[Department Full Name](#)  
[Action Obligation \(\\$\)](#)  
[NAICS](#)  
[PSC](#)  
[Vendor State](#)  
[Vendor ZIP Code](#)  
[PoP Country Name](#)  
[PoP State Name](#)  
[Local Area Set Aside](#)  
[Treasury Account Symbol](#)  
[Non-Government Dollars](#)  
[Contract Fiscal Year](#)

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This section maintains a list of recent searches that were performed. Click on the desired search criteria link to conduct the search. FPDS-NG maintains the list of searches until the clear link is selected. When you click on Clear all searches are removed.

- > ["829701627"](#)
- > ["Y199" "829701627"](#)
- > [CONTRACTING "DEPT OF THE ARMY" "Y199" "829701627"](#)
- > ["236220" CONTRACTING "DEPT OF THE ARMY" "Y199" "829701627"](#)
- > ["212050" "236220" CONTRACTING "DEPT OF THE ARMY" "Y199" "829701627"](#)
- > [9700 "212050" "236220" CONTRACTING "DEPT OF THE ARMY" "Y199" "829701627"](#)
- > [0008 9700 "212050" "236220" CONTRACTING "DEPT OF THE ARMY" "Y199" "829701627"](#)
- > [0008 9700 "212050" "236220" CONTRACTING "DEPT OF THE ARMY" DEPARTMENT FULL NAME:"DEPT OF DEFENSE"](#)



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[Search BEGINS ADVANCED CONSTRUCTORS INTERNATIONAL](#)

## Search

Click on the link to see the full list of reports for that contractor entry. Note that because of the variability of search criteria across the various FAPIIS systems, contractor selections will be displayed first if found in FAPIIS itself, then from the Entity Management section of SAM, and finally the Performance Information section of SAM.

Filter Records:

DUNS	CAGE	Company Name
<b>subHeading</b>	The following records were found in the FAPIIS system for	
<b>829701627</b>		<a href="#">ADVANCED CONSTRUCTORS INTERNATIONAL</a>
<b>subHeading</b>	No proceedings records were found in the Entity Manager criteria.	
<b>subHeading</b>	No exclusions records were found in the Performance Info search criteria.	



1 to 3 of 3

Showing  per page

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[CPARS](#) [PPIRS](#) [System for Award Management \(SAM\)](#) [Help Desk](#)

[Accessibility/Section 508](#)

ACI-SCC JV - Arwand Road and Construction - Contract W5J9JE-10-D-0017 - Exhibit Page 006



Walt Pennington &lt;wpennington@pennfirm.com&gt;

---

## Your Requested D&B D-U-N-S® Number

---

**no-reply-support@dnb.com** <no-reply-support@dnb.com>

Sat, Jul 18, 2015 at 8:00 AM

Reply-To: no-reply-support@dnb.com

To: walt.pennington@pennfirm.com



Dear Walt Pennington,

The following is the DUNS number for **ADVANCED CONSTRUCTORS INTERNATIONAL LLC:**

**DUNS number:** **829701627**

[Check out D&B's full line of credit reports available on this company](#)

We would like to offer you a 10% discount on your next purchase when you purchase more than \$100. To take advantage of this discount please apply discount code **dunslookup** at the time of purchase.

*Note : Discount is only applicable to US based reports.*

If you have any problems or questions about your reports, please don't hesitate to call us at (855) 457-1670. We are here to help you with credit information needs i.e., running credit reports on other companies.






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## Search

Click on the link to see the full list of reports for that contractor entry. Note that because of the variability of search criteria across the various FAPIIS systems, contractor selections will be displayed first if found in FAPIIS itself, then from the Entity Management section of SAM, and finally the Performance Information section of SAM.

Filter Records: 

DUNS	CAGE	Company Name
<b>subHeading</b>	The following records were found in the FAPIIS system for	
<b>123456787</b>	<a href="#">ACI-SCC (JV)</a>	
<b>subHeading</b>	No proceedings records were found in the Entity Manager	
	criteria.	
<b>subHeading</b>	No exclusions records were found in the Performance Info	
	search criteria.	



1 to 3 of 3

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[CPARS](#)
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[System for Award Management \(SAM\)](#)
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ACI-SCC JV - Arwand Road and Construction - Contract W5J9JE-10-D-0017 - Exhibit Page 008



Type one or more keywords you would like to search on:

W5J9JE10D0017

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Result Page: 1 [2](#) [3](#) [Next](#)PDF CSV [ATOM 0.3](#) [MY Yahoo!](#)You must click [here](#) for very important D&B information.

Top 10: Department Full Name

[DEPT OF DEFENSE \(84\)](#)

Top 10: Contracting Agency Name

[DEPT OF THE ARMY \(84\)](#)

Top 10: Vendor Full Name

[MISCELLANEOUS FOREIGN CONTRACTORS \(84\)](#)

Top 10: Treasury Account Symbol

[212050 \(47\)](#)  
[212020 \(4\)](#)  
[212010 \(2\)](#)  
[978242000 \(2\)](#)

List Of Contract Actions Matching Your Criteria

Results 1 - 30 of 84 as of Nov 7, 2016 3:03:55 AM

<b>Award ID (Mod#):</b> 0001 (0) <a href="#">View</a>	<b>Award Type:</b> DELIVERY ORDER
<b>Vendor Name:</b> <a href="#">MISCELLANEOUS FOREIGN CONTRACTORS</a>	<b>Contracting Agency:</b> <a href="#">DEPT OF THE ARMY</a>
<b>Date Signed:</b> June 25, 2010	<b>Action Obligation:</b> \$9,978,000
<b>Referenced IDV:</b> <a href="#">W5J9JE10D0017</a>	<b>Contracting Office:</b> <a href="#">W31R ENDIST AFGHANISTAN SOUTH</a>
<b>NAICS (Code):</b> ALL OTHER SPECIALTY TRADE CONTRACTORS ( <a href="#">238990</a> )	<b>PSC (Code):</b> CONSTRUCT/MISC BLDGS ( <a href="#">Y199</a> )
<b>Vendor City:</b> ARLINGTON	<b>Vendor DUNS:</b> <a href="#">123456787</a>
<b>Vendor State:</b> VA	<b>Vendor ZIP:</b> <a href="#">222023732</a>
<b>Global Vendor Name:</b> <a href="#">MISCELLANEOUS FOREIGN CONTRACTORS</a>	<b>Global DUNS Number:</b> <a href="#">123456787</a>

<b>Award ID (Mod#):</b> 0001 (1) <a href="#">View</a>	<b>Award Type:</b> DELIVERY ORDER
<b>Vendor Name:</b> <a href="#">MISCELLANEOUS FOREIGN CONTRACTORS</a>	<b>Contracting Agency:</b> <a href="#">DEPT OF THE ARMY</a>
<b>Date Signed:</b> June 29, 2010	<b>Action Obligation:</b> \$0
<b>Referenced IDV:</b> <a href="#">W5J9JE10D0017</a>	<b>Contracting Office:</b> <a href="#">W31R ENDIST AFGHANISTAN SOUTH</a>
<b>NAICS (Code):</b> ALL OTHER SPECIALTY TRADE CONTRACTORS ( <a href="#">238990</a> )	<b>PSC (Code):</b> CONSTRUCT/MISC BLDGS ( <a href="#">Y199</a> )
<b>Vendor City:</b> ARLINGTON	<b>Vendor DUNS:</b> <a href="#">123456787</a>
<b>Vendor State:</b> VA	<b>Vendor ZIP:</b> <a href="#">222023732</a>
<b>Global Vendor Name:</b> <a href="#">MISCELLANEOUS FOREIGN CONTRACTORS</a>	<b>Global DUNS Number:</b> <a href="#">123456787</a>

<b>Award ID (Mod#):</b> 0001 (2) <a href="#">View</a>	<b>Award Type:</b> DELIVERY ORDER
<b>Vendor Name:</b> <a href="#">MISCELLANEOUS FOREIGN CONTRACTORS</a>	<b>Contracting Agency:</b> <a href="#">DEPT OF THE ARMY</a>
<b>Date Signed:</b> July 22, 2010	<b>Action Obligation:</b> \$0
<b>Referenced IDV:</b> <a href="#">W5J9JE10D0017</a>	<b>Contracting Office:</b> <a href="#">W31R ENDIST AFGHANISTAN SOUTH</a>
<b>NAICS (Code):</b> ALL OTHER SPECIALTY TRADE CONTRACTORS ( <a href="#">238990</a> )	<b>PSC (Code):</b> CONSTRUCT/MISC BLDGS ( <a href="#">Y199</a> )
<b>Vendor City:</b> ARLINGTON	<b>Vendor DUNS:</b> <a href="#">123456787</a>
<b>Vendor State:</b> VA	<b>Vendor ZIP:</b> <a href="#">222023732</a>
<b>Global Vendor Name:</b> <a href="#">MISCELLANEOUS FOREIGN CONTRACTORS</a>	<b>Global DUNS Number:</b> <a href="#">123456787</a>

<b>Award ID (Mod#):</b> 0001 (3) <a href="#">View</a>	<b>Award Type:</b> DELIVERY ORDER
<b>Vendor Name:</b> <a href="#">MISCELLANEOUS FOREIGN CONTRACTORS</a>	<b>Contracting Agency:</b> <a href="#">DEPT OF THE ARMY</a>
<b>Date Signed:</b> August 16, 2012	<b>Action Obligation:</b> \$0
<b>Referenced IDV:</b> <a href="#">W5J9JE10D0017</a>	<b>Contracting Office:</b> <a href="#">W31R ENDIST AFGHANISTAN SOUTH</a>
<b>NAICS (Code):</b> ALL OTHER SPECIALTY TRADE CONTRACTORS ( <a href="#">238990</a> )	<b>PSC (Code):</b> CONSTRUCT/MISC BLDGS ( <a href="#">Y199</a> )
	<b>Vendor</b>

Search Criteria

To remove the criteria or a portion of the search criteria click the button next to each search level.

☒ W5J9JE10D0017

Sort By

This section allows the user to sort the existing list of contracts by various fields within the contract. For example you can sort the existing list of contracts by Date Signed or Contract Type. Click on the appropriate field to Sort By. Only one Sort can be conducted at a time.

Sort Order:

Descending ▼

Relevance

[Contract Type](#)  
[Agency Code](#)  
[Agency Full Name](#)  
[Date Signed](#)  
[Contracting Agency ID](#)  
[Contracting Agency Name](#)  
[Department Full Name](#)  
[Action Obligation \(\\$\)](#)  
[NAICS](#)  
[PSC](#)  
[Vendor State](#)  
[Vendor ZIP Code](#)  
[PoP Country Name](#)  
[PoP State Name](#)  
[Local Area Set Aside](#)  
[Treasury Account Symbol](#)  
[Non-Government Dollars](#)  
[Contract Fiscal Year](#)

Recent Searches

This section maintains a list of recent searches that were performed. Click on the desired search criteria link to conduct the search. FPDS-NG maintains the list of searches until the clear link is selected. When you click on Clear all searches are removed.

- [W5J9JE10D0017](#)
- [W5J9JE-10-D-0017](#)
- [advanced constructors "W91B4L09C0100"](#)
- [advanced constructors](#)
- [ACI-SCC](#)
- [aci-scc](#)
- [aci-scc iv](#)
- [W5J9JE10D0017 "0001" "W5J9JE10D0017"](#)

[\[Clear\]](#)

Quick Help

1. To begin your Easy Search type in one or more keywords that will be

Vendor City: ARLINGTON DUNS: [123456787](#)  
 Vendor State: VA Vendor ZIP: [222023732](#)  
 Global Vendor Name: [MISCELLANEOUS FOREIGN CONTRACTORS](#) Global DUNS Number: [123456787](#)

Award ID (Mod#): [0001](#) ( 4 ) [\(View\)](#) Award Type: DELIVERY ORDER  
 Vendor Name: [MISCELLANEOUS FOREIGN CONTRACTORS](#) Contracting Agency: [DEPT OF THE ARMY](#)  
 Date Signed: September 11, 2012 Action Obligation: \$0  
 Referenced IDV: [W5J9JE10D0017](#) Contracting Office: [W31R ENDIST AFGHANISTAN SOUTH](#)  
 NAICS (Code): ALL OTHER SPECIALTY TRADE CONTRACTORS ( [238990](#) ) PSC (Code): CONSTRUCT/MISC BLDGS ( [Y199](#) )  
 Vendor City: ARLINGTON Vendor DUNS: [123456787](#)  
 Vendor State: VA Vendor ZIP: [222023732](#)  
 Global Vendor Name: [MISCELLANEOUS FOREIGN CONTRACTORS](#) Global DUNS Number: [123456787](#)

Award ID (Mod#): [0001](#) ( 5 ) [\(View\)](#) Award Type: DELIVERY ORDER  
 Vendor Name: [MISCELLANEOUS FOREIGN CONTRACTORS](#) Contracting Agency: [DEPT OF THE ARMY](#)  
 Date Signed: October 17, 2012 Action Obligation: \$0  
 Referenced IDV: [W5J9JE10D0017](#) Contracting Office: [W31R ENDIST AFGHANISTAN SOUTH](#)  
 NAICS (Code): ALL OTHER SPECIALTY TRADE CONTRACTORS ( [238990](#) ) PSC (Code): CONSTRUCT/MISC BLDGS ( [Y199](#) )  
 Vendor City: ARLINGTON Vendor DUNS: [123456787](#)  
 Vendor State: VA Vendor ZIP: [222023732](#)  
 Global Vendor Name: [MISCELLANEOUS FOREIGN CONTRACTORS](#) Global DUNS Number: [123456787](#)

Award ID (Mod#): [0001](#) ( 6 ) [\(View\)](#) Award Type: DELIVERY ORDER  
 Vendor Name: [MISCELLANEOUS FOREIGN CONTRACTORS](#) Contracting Agency: [DEPT OF THE ARMY](#)  
 Date Signed: October 20, 2012 Action Obligation: \$0  
 Referenced IDV: [W5J9JE10D0017](#) Contracting Office: [W31R ENDIST AFGHANISTAN SOUTH](#)  
 NAICS (Code): ALL OTHER SPECIALTY TRADE CONTRACTORS ( [238990](#) ) PSC (Code): CONSTRUCT/MISC BLDGS ( [Y199](#) )  
 Vendor City: ARLINGTON Vendor DUNS: [123456787](#)  
 Vendor State: VA Vendor ZIP: [222023732](#)  
 Global Vendor Name: [MISCELLANEOUS FOREIGN CONTRACTORS](#) Global DUNS Number: [123456787](#)

Award ID (Mod#): [0001](#) ( 7 ) [\(View\)](#) Award Type: DELIVERY ORDER  
 Vendor Name: [MISCELLANEOUS FOREIGN CONTRACTORS](#) Contracting Agency: [DEPT OF THE ARMY](#)  
 Date Signed: April 22, 2013 Action Obligation: \$42,188  
 Referenced IDV: [W5J9JE10D0017](#) Contracting Office: [W31R ENDIST AFGHANISTAN SOUTH](#)  
 NAICS (Code): ALL OTHER SPECIALTY TRADE CONTRACTORS ( [238990](#) ) PSC (Code): CONSTRUCT/MISC BLDGS ( [Y199](#) )  
 Vendor City: ARLINGTON Vendor DUNS: [123456787](#)  
 Vendor State: VA Vendor ZIP: [222023732](#)  
 Global Vendor Name: [MISCELLANEOUS FOREIGN CONTRACTORS](#) Global DUNS Number: [123456787](#)

Award ID (Mod#): [0001](#) ( 8 ) [\(View\)](#) Award Type: DELIVERY ORDER  
 Vendor Name: [MISCELLANEOUS FOREIGN CONTRACTORS](#) Contracting Agency: [DEPT OF THE ARMY](#)

searched for in the contracts that you would like to find.

2. Click on the **Go** button. A list of contracts will be displayed that matches your search criteria in the Results page section. To remove your search criteria text, click the **Clear** button.

3. You can refine your search by using the four filter boxes on the left side of the screen. You can drill down by Department, Agency, Vendor and Vendor State. The information in each filter box is displayed in descending order. Only top 10 results will be displayed. We can further drill down on a Department or Vendor State. Click on the appropriate link in each filter box. Your results will be displayed in the Results Page section.

4. Clicking on the links inside the documents allows you to further refine your search and drill down to specific information. For example by clicking on a specific PSC Code you will only see contracts for that PSC Code.

ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeals of -- )  
)  
ACI-SCC JV ) ASBCA Nos. 58222, 58282, 58283  
) 58367, 58370, 58581  
Under Contract Nos. W5J9JE-10-D-0017 )  
W5J9LE-11-C-0001 )

APPEARANCES FOR THE APPELLANT:

Dirk Haire, Esq.  
Jessica Haire, Esq.  
Sean Milani, Esq.  
Fox Rothschild LLP  
Washington, DC

APPEARANCES FOR THE GOVERNMENT:

Thomas H. Gourlay, Jr., Esq.  
Engineer Chief Trial Attorney  
James D. Stephens, Esq.  
Engineer Trial Attorney  
U.S. Army Engineer District, Middle East  
Winchester, VA

ORDER OF DISMISSAL

The appeals have been settled. Accordingly, they are dismissed from the Board's docket with prejudice.

Dated: 19 April 2016



TERRENCE S. HARTMAN

Administrative Judge  
Armed Services Board  
of Contract Appeals

I certify that the foregoing is a true copy of the Order of Dismissal of the Armed Services Board of Contract Appeals in ASBCA Nos. 58222, 58282, 58283, 58367, 58370, 58581, Appeals of ACI-SCC JV, rendered in conformance with the Board's Charter.

Dated:

JEFFREY D. GARDIN

Recorder, Armed Services  
Board of Contract Appeals



PENNINGTON LAW FIRM  
3302 30TH STREET  
SAN DIEGO, CA 92104-4535  
(619) 940-6157  
PENNFIRM.COM

June 23, 2016

USPS 9405 8036 9930 0267 7255 00

Dirk Haire, Esq.  
Fox Rothschild LLP  
1030 15th Street, NW  
Suite 380 East  
Washington DC 20005

Re: US District Court for the District of Delaware  
Civil 1:16-cv-00317-SLR  
Arwand Road and Construction Company v. ACI-SCC JV, et. al.

Dear Mr. Haire:

The Armed Services Board of Contract Appeals shows that you are the lead attorney for ACI-SCC JV concerning Docket numbers 58222, 58282, 58283, 58367, 58370 and 58581. My client, Arwand Road and Construction Company, has sued your client ACI-SCC JV and ACI-SCC JV, LLC.

The Delaware entities, ACI-SCC JV LLC and Advanced Constructors International LLC, do not have resident agents to serve ACI-SCC JV.. My client has served the Secretary of State as required by Delaware law. I have attached the Summons and Complaint for the ACI-SCC JV and ACI-SCC JV LLC and request that you forward the documents to your client and notify it of the Delaware case.

My intent is to inform the court that my client took all reasonable steps to provide both constructive and actual notice to the Defendants. If an answer is not filed, my client intends to request a default judgment.

Thank you for your time and assistance.

Sincerely,



Walt Pennington  
wpennington@pennfirm.com

Enclosures







Fox Rothschild LLP  
ATTORNEYS AT LAW

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1030 15th Street, N.W., Suite 380 East  
Washington, DC 20005  
Tel 202.461.3100 Fax 202.461.3102  
www.foxrothschild.com

DIRK HAIRE  
Direct Dial: 202-461-3114  
Email Address: DHaire@FoxRothschild.com

July 21, 2016

**VIA FEDEX**

Walt Pennington  
Pennington Law Firm  
3302 30th Street  
San Diego, CA 92104

**Re: ACI-SCC JV: Arwand Road And Construction Company Complaint**

Dear Mr. Pennington:

I am in receipt of your correspondence dated June 23, 2016 in connection with Arwand Road and Construction Company v. ACI-SCC JV et. al.; Case No. 1:16-cv-00317-SLR. Please be advised that Fox Rothschild LLP does not represent ACI-SCC JV in connection with the case you reference and we are unable to accept service in connection therewith.

Very truly yours,



Dirk Haire

A Pennsylvania Limited Liability Partnership

California Colorado Connecticut Delaware District of Columbia  
Florida Georgia Illinois Indiana Iowa Kansas Kentucky Louisiana Maine Maryland Massachusetts Michigan Minnesota Missouri Montana Nebraska Nevada New Hampshire New Jersey New Mexico New York North Carolina North Dakota Oklahoma Oregon Pennsylvania Rhode Island South Carolina South Dakota Tennessee Texas Utah Vermont Virginia Washington West Virginia Wisconsin Wyoming



ARMED SERVICES BOARD OF CONTRACT APPEALS

Appeals of -- )  
 )  
Advanced Constructors International, LLC ) ASBCA Nos. 58604, 58739, 58740, 58741  
 )  
Under Contract No. W5J9LE-11-C-0020 )

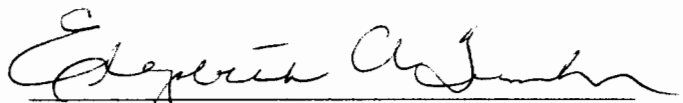
APPEARANCES FOR THE APPELLANT: Richard L. Moorhouse, Esq.  
John D. Altenburg, Esq.  
Ryan C. Bradel, Esq.  
Greenberg Traurig, LLP  
McLean, VA

APPEARANCES FOR THE GOVERNMENT: Thomas H. Gourlay, Jr., Esq.  
Engineer Chief Trial Attorney  
James D. Stephens, Esq.  
Tania Wang, Esq.  
Engineer Trial Attorneys  
U.S. Army Engineer District, Middle East  
Winchester, VA

ORDER OF DISMISSAL

The dispute has been settled. The appeals are dismissed with prejudice.

Dated: 8 October 2015



ELIZABETH A. TUNKS  
Administrative Judge  
Armed Services Board  
of Contract Appeals

I certify that the foregoing is a true copy of the Order of Dismissal of the Armed Services Board of Contract Appeals in ASBCA Nos. 58604, 58739, 58740, 58741, Appeals of Advanced Constructors International, LLC, rendered in conformance with the Board's Charter.

Dated:

JEFFREY D. GARDIN  
Recorder, Armed Services  
Board of Contract Appeals



PENNINGTON LAW FIRM  
3302 30TH STREET  
SAN DIEGO, CA 92104-4535  
(619) 940-6157  
PENNFIRM.COM

June 20, 2016

USPS 9405 8036 9930 0265 6367 85

Richard L. Moorhouse, Esq.  
Greenberg Traurig, LLP  
1750 Tysons Boulevard  
Suite 1200  
McLean, VA 22102

Re: US District Court for the District of Delaware  
Civil 1:16-cv-00317-SLR  
Arwand Road and Construction Company v. ACI-SCC JV, et. al.

Dear Mr. Moorhouse:

The Armed Services Board of Contract Appeals shows that you are the lead attorney for Advanced Constructors International LLC for Docket numbers 58604, 58739, 58740 and 58741. My client, Arwand Road and Construction Company, has sued your client Advanced Constructors International LLC and its joint venture companies ACI-SCC JV and ACI-SCC JV LLC. Advanced Constructors International LLC and ACI-SCC JV LLC are not in good standing with the State of Delaware and neither has an agent for service of process with the Delaware Secretary of State. My client has served the Secretary of State as required by Delaware law. I have attached the Summons and Complaint for the three defendants, and request that you forward the documents to your client.

My client intends to request a default judgment if an answer is not filed. My intent is to inform the court that my client took all reasonable steps to provide both constructive and actual notice to the Defendants. I would appreciate you forwarding the enclosed documents to your client.

Thank you for your time and assistance.

Sincerely,



Walt Pennington  
wpennington@pennfirm.com

Enclosures





Richard Moorhouse  
Tel 703.749.1300  
Fax 703.749.1301  
moorhouser@gtlaw.com

June 24, 2016

**VIA PRIORITY OVERNIGHT FEDERAL EXPRESS**

Walt Pennington  
Pennington Law Firm  
3302 30th Street  
San Diego, CA 92104-4535

Re: US District Court for the District of Delaware  
Civil 1:16-cv-00317-SLR  
Arwand Road and Construction Company v. ACI-SCC JV, et al.

Dear Mr. Pennington:

Per our exchange of communications via voice mail, this confirms that Greenberg Traurig, LLP does not represent ACI-SCC JCV, ACI-SCC JV LLC, or Soufiany Construction Company ("SCC").

Greenberg Traurig has only represented Advanced Constructors International, LLC ("ACI") with respect to matters before the Armed Services Board of Contract Appeals ("ASBCA") as you referenced in your cover letter of June 20, 2016.

In accordance with your instructions, I am returning via priority overnight Federal Express the subpoenas you had sent to me.

Please contact me if you have any questions.

Sincerely,



Richard L. Moorhouse

Enclosures





**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ARWAND ROAD AND CONSTRUCTION	)	
COMPANY	)	
Plaintiff,	)	
	)	
vs.	)	Civil 1:16-cv-00317-SLR
	)	
ACI-SCC JV, et. al.	)	
Defendants.	)	
	)	

---

**ORDER OF JUDGMENT PURSUANT TO RULE 55**

The defendants, ACI-SCC JV, ACI-SCC JV LLC and Advanced Constructors International LLC, failed to plead or otherwise defend in this action, and on August 2, 2016, default was entered against Defendants.

On November 9, 2016 a hearing was held on the Plaintiff's Motion for Entry of Judgement, and the court reviewed the complaint, service on defendants and Plaintiff's affidavit in support of judgment.

IT IS HEREBY,

FOUND, that the net amount due to the Plaintiff for work invoiced, but not paid is **\$772,158.10** (\$994,761.10 - \$222,603.00).

FOUND, that Arwand completed an additional 15.55% of other work under its contracts with Defendants, that was not invoiced, because the Defendants were not responding to any communication. That work had an agreed contractual value of **\$328,231.48 USD**.

FOUND, that Arwand purchased materials and for the project and provided labor and incurred overhead costs in pursuit of work that was underway, but was not part of the invoiced or approved work previously listed above. Arwand supplied materials including rebar and concrete, incurred rental costs for heavy machinery equipment, incurred demobilization costs and transportation costs for its

laborers. Arwand incurred labor costs on the project and administrative costs related to its claim in a total amount of **\$240,850.00 USD**. Under the terms of the parties contract and the Federal Acquisition Regulations, Arwand is entitled to a reasonable profit on the terminated part of its work. Arwand seeks a reasonable profit at 20%, which equals **\$48,170.00 USD**, of the amounts related to materials and labor for work that was not approved or invoiced.

FOUND, that the claim of the Plaintiff, Arwand Road and Construction Company against the Defendants ACI-SCC JV, ACI-SCC JV LLC and Advanced Constructors International LLC is for the principal sum of **\$1,389,409.58 USD (\$772,158.10 + \$328,231.48 + \$240,850.00 + \$48,170.00)**.

FOUND, that Plaintiff is entitled to pre-judgment interest on the amounts due from October 7, 2012 at the rate of 5.75% (5 percent over the current federal discount rate as of October 2012), calculated as:

\$319,564.20  $[(1,389,409.58 * 5.75\% * 4 \text{ years (Oct 7, 2012 to October 6, 2016)}]$

\$ 7,223.03  $[1,389,409.58 * 5.75\% * 33 \text{ days} / 365 \text{ days (Oct 7 to Nov 9, 2016)}]$ .

**\$326,787.23** Total Pre-Judgment Interest

FOUND, that paragraph 22 of the Parties contract of July 26, 2011, provides for attorney's fees and that attorney's fees in the amount of 33.333% are added as costs to the judgment in the amount of **\$572,065.60**  $[(\$1,389,409.58 + \$326,787.23) * 33.333\%]$ .

IT IS HEREBY ORDERED,

That JUDGMENT be entered in favor of the Plaintiff, Arwand Road and Construction Company, against Defendants, ACI-SCC JV, ACI-SCC JV LLC and Advanced Constructors International LLC in the following amounts:


**\$2,288,262.11**  $(\$1,389,409.58 \text{ USD} + \$326,787.23 + \$572,065.60)$

**\$700.00** in costs that includes the court filing fee of \$400.00 plus \$50 for service fee demanded by the Delaware Secretary of State for each of the six documents (summons and complaint and supplemental service), for a total of \$300.00.

Post-judgment interest at the legal rate of 5.62%

IT IS FURTHER ORDERED, that all Defendants' rights related to contract W5J9JE-10-D-0017 with the United States Government are hereby assigned and transferred to Plaintiff, including Defendants' rights to recover Defendant's amounts due, challenge any termination for default, file a Certification of Claim for the benefit of Defendants or Plaintiff, the right to assert subcontractor claims for the benefit of Plaintiff as a subcontractor, all "flow-through" rights, the right to file a Claim arising from the contract in the name of Defendants or Plaintiff, the right to appeal any award or denial of the claim and any ancillary or necessary rights to enforce the assigned rights are hereby transferred from Defendants, ACI-SCC JV, ACI-SCC JV LLC and Advanced Constructors

Date November 9, 2016

  
\_\_\_\_\_  
Honorable Sue L. Robinson  
Judge  
United States District Court for the District of Delaware